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		<table border="1"> <tr> <td>Application Number</td> <td>Filed</td> </tr> <tr> <td>10/001,289</td> <td>November 1, 2001</td> </tr> <tr> <td colspan="2">First Named Inventor</td> </tr> <tr> <td colspan="2">Michael Rys</td> </tr> <tr> <td>Art Unit</td> <td>Examiner</td> </tr> <tr> <td>2167</td> <td>Susan F. Rayyan</td> </tr> </table>	Application Number	Filed	10/001,289	November 1, 2001	First Named Inventor		Michael Rys		Art Unit	Examiner	2167	Susan F. Rayyan
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<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,041</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>														
		<p><u>hj</u></p> <p>Signature</p> <p><u>Michael J. Swope</u></p> <p>Typed or printed name</p> <p><u>(206) 332-1386</u></p> <p>Telephone number</p> <p><u>August 16, 2005</u></p> <p>Date</p>												

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The Examiner has rejected claims 1-32 under 35 U.S.C. § 102(e) as being anticipated by Lee et al. (US 2002/0169788).

The applicant has repeatedly traversed that rejection by noting that the claims recite “creating a record in a first buffer associated with the first relational table; and copying the record from the first buffer to the first relational table.” This claim clearly requires two things, first, *creating a record in a buffer* and secondly *copying the record from the buffer to a relational table*. The buffer is *associated* with a relational table, but *is not* the relational table itself.

The examiner has not made out a *prima facie* case of anticipation by showing how each elements is found in the cited reference. MPEP § 2131.

In response to the applicants argument regarding the shortcomings of the reference the examiner repeatedly has indicated that:

Applicant argues Lee makes no mention of nodes or rows or columns of a table and reveals no mention of record creation or buffers or copying from buffers to tables.

Final Action p. 6. As an initial matter, the applicants do not argue that “Lee makes no mention of nodes or rows or columns of a table.” Moreover, The applicants repeatedly pointed out that they do not disagree that Lee teach loading XML data into the tables of a relational database. Nevertheless, that doesn’t address the Applicants point, namely, the paragraphs of Lee cited by the examiner say NOTHING regarding creating a record in a buffer and copying records from a buffer to a table.

Accordingly the applicants submit that the Examiner has not met her burden of providing a reference that teaches every element of the claimed invention.